Form No: HCJD/C-121

JUDGEMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

1. Writ Petition No. 1625 of 2018

Zulfiqar Ahmed, Advocate and 03 others

VS

Chief Election Commissioner, Election Commission of Pakistan, Islamabad.

2. Writ Petition No. 1823 of 2018

Asad Usman

VS

Election Commission of Pakistan through its Secretary

3. Writ Petition No. 1894 of 2018

Amjad Rasheed, Advocate

VS

The Chief Election Commissioner, Election Commission of Pakistan, Islamabad and 19 others.

4. Writ Petition No. 1895 of 2018

Waseem Iqbal, Advocate

VS

The Chief Election Commissioner, Election Commission of Pakistan, Islamabad.

Petitioner's by	**:**	**Khawaja Azhar Rasheed, Advocate for the petitioners (in W.P. No.1625 of 2018).** **Syed Khawar Ameer Bukhari, Advocate for the applicant (in W.P. No.1625 of 2018).** **Mr. Jehangir Khan Jadoon, Advocate for the applicant (in W.P. No.1625 of 2018).** **Mr. Faisal Bin Khurshid, Advocate for the applicant (in W.P. No.1625**

of 2018).
Mr. Mir Afzal Malik, Advocate for the applicants (in W.P. No.1625 of 2018).
Sheikh Abid Ali, Advocate for the applicants (in W.P. No.1625 of 2018).
Mr. Haroon Ur Rashid, Advocate for the petitioner (in W.P. No.1823 of 2018).
Mr. Masood-ur-Rehman, Advocate for the applicant (in W.P. No.1823 of 2018).
Mr. Faisal Bin Khurshid, Advocate for the applicant (in W.P. No.1823 of 2018).
Mr. Amjad Rasheed, Advocate/ petitioner in person (in W.P. No.1894 of 2018).
Mr. Waseem Iqbl, Advocate/ petitioner in person (in W.P. No.1895 of 2018).

Respondent's by : Mr. Abid Ali and Tufail Shahzad, Advocates for the respondents.
Malik Mujtaba Ahmed, Additional D.G. (Law), Election Commission of Pakistan.

Date of decision : 28.05.2018

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AAMER FAROOQ, J. - This judgment shall decide the instant petition as well as Writ Petition No. 1823 of 2018, Writ Petition No. 1894 of 2018 and Writ Petition No.1895 of 2018 as common questions of law and fact are involved.

2. The petitioners are aggrieved of the order dated 09.04.2018, whereby on the representations filed against the proposed delimitation with respect to the District Haripur were allowed and the same was altered.

3. Learned counsels for the petitioners, *inter-alia*, contended that the composition of Delimitation Committee was not duly notified; that no guidelines were issued to the Committee; that cognate factors were not taken into account; that homogeneity and compactness was not given due regard; that by virtue of the impugned order the variation in population is more than 10%. It was further contended that means of communication has not been taken into account especial as a river cuts across the district.

4. During the course of proceedings, applications were filed by the objectors to be impleaded as respondents i.e. C.M. Nos. 2185 of 2018, 2220 of 2018, 2252 of 2018, 2137 of 2018 and 2337 of 2018. Due to paucity of time, no specific order was passed on the applications regarding the impleadment of the applicants, however, they were heard.

5. Learned counsels for the applicants contended that the matter involves factual controversy; that relevant factors, as required under the law have been taken into account in the impugned order is well reasoned.

6. Representative of Election Commission of Pakistan contended that the impugned order is in line with the provisions of the Elections Act, 2017 and the rules made under it.

7. The arguments advanced by the learned counsels for the parties have been heard and record perused with their able assistance.

8. Though, the petitioners have challenged the composition of the Committee and its non-publication and the absence of the guidelines, however, no specific attach was made with respect to the same. In so far as factors under Section 20 of the Elections Act, 2017 are concerned i.e. geographical compactness, cognate factors, homogeneity, means of communication and public convenience, they all have been duly considered by Election Commission of Pakistan while passing the impugned order. The referred fact is borne out from the bare perusal of the order impugned in the petitions.

9. In so far as the arguments by the petitioners with respect to variation of more than 10% in the constituencies is concerned, there is nothing on record to establish the same. Under Section 20 (3) and 20 (4) of the Elections Act, 2017, the Commission shall ensure that the variation in population between the constituencies is not more than 10 %, however, where it is then the reasons are to be given for that.

10. In view of the aforementioned, the petitions are disposed off with the direction to place the matter before the Election Commission of Pakistan, to consider whether there is a

variation of more than 10% and if such is the case to render reasons for the same.

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua

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